

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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RENY RIVERO,

Plaintiff,

Case No. 11-CV-4810 (ENV)(LB)

-against-

AFFIRMATION OF
JAMES P. SCULLY
IN OPPOSITION TO PLAINTIFF'S
ORDER TO SHOW CAUSE

CACH LLC
DANIELS & NORELLI, PC,
Ira R. Sitzer
Fred G. Daniels
George H. Norelli
Helen Ferino

Defendants.
-----X

James P. Scully, an attorney duly admitted to the practice of law in all the Courts of the State of New York, affirms under penalty of perjury:

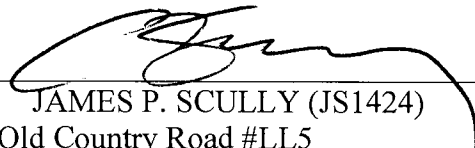
- 1) I am a shareholder with the office of Daniels Norelli Scully & Cecere, P.C., attorneys for the Defendants herein, and am familiar with the subject matter of this action and with all the pleadings and proceedings heretofore had herein.
- 2) I submit this Affirmation in Opposition to the Plaintiff's Order to Show Cause which ostensibly is his now Third Motion for Reconsideration filed regarding Judge Vitaliano's Order/Decision granting Defendant's Motion for Summary Judgment as to CACH, LLC, ("CACH"), Fred G. Daniels, ("Daniels") George H. Norelli, ("Norelli") and Helen Ferino, ("Ferino").

- 3) As discussed in your affiant's prior Opposition and Memorandums of Law, there is absolutely no merit for reconsideration of this Court's judgment, which of course is now time barred under Local Rule 6.3, not to mention failing to meet the elements required for reconsideration.
- 4) On June 4, 2014 the parties were Ordered to Show Cause why the precedent announced by the Second Circuit in Stanczyk should not be applied to this case to dismiss the action for lack of subject matter jurisdiction.
- 5) The Plaintiff has offered nothing in reply to the Court's Order relative to the Defendants' Offer of Judgment or the Stanczyk case, but rather has engaged in another attempt at vacating the Court's prior judgment in favor of the defendants CACH, Ferino, Daniels and Norelli.
- 6) Even giving deference to the pro se Plaintiff, the Order to Show Cause must be denied in all respects as procedurally improper, defective as to form, as well as having no merit at all, not to mention being completely unresponsive to the Court's Order to Show Cause.

WHEREFORE, and by reason of the foregoing, Defendants respectfully request this Court deny Plaintiff's Order to Show Cause in its entirety, together with such other and further relief as the Court deems proper.

Dated: Carle Place, New York
July 10, 2014

By: _____


JAMES P. SCULLY (JS1424)
One Old Country Road #LL5
Carle Place, New York 11514
(516)338-7520 x3018
jscully@danielsnorelli.com

To: Reny Rivero
131 Silver Lake Road #406
Staten Island, NY 10301

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)

ss.:

COUNTY OF NASSAU)

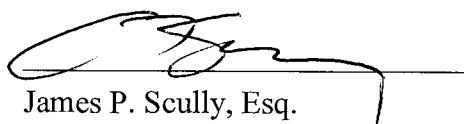
James P. Scully, being duly sworn, deposes and says:

I am not a party to this action, am over 18 years of age and reside in the County of Nassau, State of New York.

I served a copy of the within, Affirmation in Opposition to Plaintiff's Order to Show Cause on the following:

Reny Rivero
131 Silver Lake Rd. #406
Staten Island, NY 10301

by delivering one (1) copy via US Mail on July 10, 2014, which was properly addressed and deposited into a United States Postal Service depository under the exclusive care and custody of USPS within the State of New York, by postage prepaid, addressed to the aforementioned person at the last known address set forth.


James P. Scully, Esq.
Attorney for the Defendants